

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 2/28/02 *JS*

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	
EDWIN O. GILBERT, D.V.M.	:	Administrative Action
License No. VI000510	:	
TO PRACTICE VETERINARY MEDICINE	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Veterinary Medical Examiners ("the Board") upon allegations that in or around June 2000, Edwin O. Gilbert, D.V.M., provided substandard care to an eleven-year old female Shih Tzu named Muffin, owned by Ed and Pietrina Sarti, which resulted in Muffin's death.

On September 27, 2000, Dr. Gilbert appeared, with counsel, before an Investigative Committee of the Board and gave sworn testimony as to the above allegations. After a review of all the available information, the Board determined that probable cause existed to support the filing of a complaint against Dr. Gilbert for violating N.J.S.A. 45:1-21(c) and for violating the Board's record-keeping requirements, N.J.S.A. 45:1-21(h) and N.J.A.C.

13:44-4.9, in regard to his treatment of Muffin, who died following surgery to remove two cysts.

It appearing that Dr. Gilbert is willing to resolve this matter amicably, without the necessity for a formal hearing, and the Board finding that the disposition of the matter as set forth herein is adequately protective of the public health, safety and welfare, and other good cause appearing:

IT IS, therefore, on this *28th* day of *February*, 2002,
ORDERED THAT:

1. Edwin O. Gilbert, D.V.M., is hereby reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(c) and (h) and N.J.A.C. 13:44-4.9.

2. Dr. Gilbert shall take and pass the National Board of Veterinary Medical Examiners' ("NBVME") Species Specific Examination for Small Animals within thirty (30) days following entry of this Order, which shall be reasonably extended by the Board in the event of administrative delays encountered in the Board's ordering and obtaining the test materials. Should Dr. Gilbert request an extension of the thirty (30) day period for other than the aforementioned administrative delays, his license to practice veterinary medicine and surgery shall be actively suspended thereafter, through a separate Board Order, until such time as Dr. Gilbert passes the examination. A passing grade for the NBVME Species Specific Examination for Small Animals shall consist of correctly answering at least seventy (70) percent of the questions. If Dr. Gilbert passes the examination, a separate Order

shall issue, upon compliance with the remaining terms of this Order, stating that Dr. Gilbert has an unrestricted license to practice veterinary medicine and surgery. Should Dr. Gilbert fail the examination, his license shall be immediately actively suspended, through a Board Order, until such time as Dr. Gilbert passes the examination, should he choose to take it again.

3. Should Dr. Gilbert fail the NBVME Species Specific Examination for Small Animals, he shall be prohibited from taking the examination again for at least thirty (30) days following notice of a failing grade. Should Dr. Gilbert fail the examination four (4) times, he shall be prohibited from re-taking the examination for one (1) full year, following notice of his fourth failing grade. All costs associated with the taking and/or re-taking of the examination, including the costs of the proctor, shall be at Dr. Gilbert's expense. It is stipulated that the costs of taking and/or re-taking the examination are not included in the Board's costs listed in Paragraph 4 of this Order.


4. Dr. Gilbert shall pay the Board's costs in this matter in the amount of \$2,859.45. Such costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, P.O. Box 45020, Newark, New Jersey 07101, within fifteen (15) days following entry of this Order.

5. Dr. Gilbert shall pay a civil penalty in the amount of \$5,000.00 with respect to this matter. Such penalty shall be paid by certified check or money order made payable to the State of New

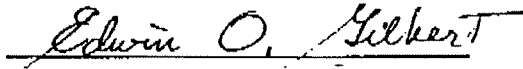
Jersey and submitted to the State Board of Veterinary Medical Examiners at 124 Halsey Street, P.O. Box 45020, Newark, New Jersey 07101, within fifteen (15) days following entry of this Order.

6. Dr. Gilbert shall successfully attend and complete ten (10) hours of Board approved courses in modern anesthesia techniques. The Board notes that Dr. Gilbert has already completed this specific requirement.

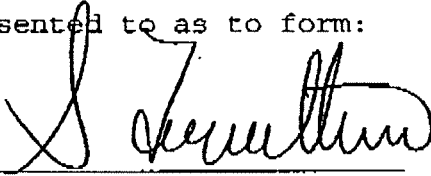
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 
Neal L. Beeber, D.V.M.
Vice President

I have read and understood
the within Order and agree
to be bound by its terms.
Consent is hereby given to
the Board to enter this Order.


Edwin O. Gilbert, D.V.M.

Consented to as to form:


Susan Fruchtman, Esq.